UNITED STATES PATENT AND TRADEMARK OFFICE

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09/896,537	06/30/2001	Gary Graunke	42390P11149	8408

7590	05/08/2006	EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 09/896,537
Filing Date: June 30, 2001
Appellant(s): GRAUNKE ET AL.

MAY 08 2006

Technology Center 2100

Libby H. Hope
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01 February 2006 appealing from the Office action

mailed 01 August 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1-22 were rejected in the Final Office Action mailed 01 August 2005.

Claims 12, 13, 15, and 16 have been amended in an after final response filed along with the Appeal Brief (filed 01 February 2006). The after final response also cancels claims 4-10 and 17-19. The amendment after-final has been fully considered and has been entered.

Claims 1-3, 11-16, and 20-22 are being appealed and currently stand rejected.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 01 February 2006 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims 1-3, 11-16, 20-22 appears on page 22

(label i) of the Appendix to the appellant's brief. The minor errors are as follows: the

amendments filed 01 February 2006 are absent from the copy of the appealed claims.

(8) Evidence Relied Upon

5,485,577   EYER   1-1996

5,448,639   ARAZI   9-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1, 2, 11, 12, 14, 15, 18, 20, 21 are rejected under 35 U.S.C. 102(b) as being

anticipated by Eyer, U.S. Patent No. 5,485,577. Referring to claim 1, 2, 11, 12, 14, 15, 18, 20,

21, Eyer discloses a method of accessing a plurality of television programs wherein access rights

are received and divided into a plurality of subgroups. The subgroups are transmitted to the

processor as authenticated data in a plurality of messages. A current cryptographic key is derived

using the authenticated data contained in a current message upon receipt of that message by the

processor (Col. 2, lines 19-25), which meets the limitation of receiving content comprising a set

of attributes having L through N levels of access, where $L<N$, and content at a given level of

access being decryptable by a corresponding key, receiving a base key corresponding to an M of

N level of access, where $L<=M<=N$. Each television program, which represents a time slice from

one service such as HBO, defines specific access requirements which must be present in order to

grant the right to decrypt that program. A one-way function combines the program pre-key and

access requirements to provide the program key necessary to generate working keys via a

working key generator. The working key is applied as an initializing key to decrypt the digital

data comprising the digital service being access controlled (Col. 5, lines 22-33), which meets the

limitation of deriving lower level keys based on the base key, the lower level keys being used to

access content having an M level of access or lower, additionally comprising receiving a D-

dimensional matrix for each attribute in the set of attributes, wherein D corresponds to a number

of attributes of the content and wherein the matrix comprises matrix values for determining how

to generate a key corresponding to a given section of the content, and said deriving lower level

keys based on the base key comprises using a function based on a matrix value corresponding to

the lower level key and a one-way hash function of an adjacent higher level key.

Claim Rejections - 35 USC § 103

Claims 3, 5, 13, 16, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Eyer, U.S. Patent No. 5,485,577, in view of Arazi, U.S. Patent No. 5,448,639. Referring to

claims 3, 5, 13, 16, 22, Eyer does not disclose that the key generation process uses modular

exponentiation. Arazi discloses RSA key generation using modular exponentiation methods (Col.

11, lines 30-38). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to generate the cryptographic keys of Eyer using the modular exponentiation

methods of Arazi in order to reduce overhead as disclosed in Arazi (Col. 11, lines 61-63).

(10) Response to Argument

Applicant's argument that Eyer does not disclose data that has attributes which have

levels of access is not persuasive because Eyer discloses a method of controlling access to video

data using various access rights. This video data contains different types of video data in the

form of premium services such as HBO or special pay-per-view services, and of course standard

channels (Col. 1, lines 14-25 & Col. 4, lines 48-63). Applicant's specification defines (Page 5)

the invention as multi-dimensional content that is divided into sections. Each section is a portion

of the content to be distributed, and represents a level of access for the attributes of the content,

and each successive section is an improvement of the given attribute over the previous section.

Therefore, the claim interpretation used by the Examiner when making the rejection is to have

data that is divided into sections. Each section of the data having a single level of access, but the

sections when considered together have multiple levels of access. In applying the Eyer reference,

one would recognize that video data is divided into channels that are categorized as

standard/premium/pay-per-view channels (Col. 1, lines 14-25 & Col. 4, lines 48-63). Therefore,

each channel of the video data in Eyer would be considered a section of the content that

represents a level of access for the attributes of the content as described in the specification.

Applying this interpretation to the claims, Eyer meets the limitation of content comprising a set

of attributes having L through N levels of access by having the video data divided into channels

with each channel being categorized as a standard/premium/pay-per-view channel.

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to generate the cryptographic keys of Eyer using the modular exponentiation

methods of Arazi in order to reduce overhead as disclosed in Arazi (Col. 11, lines 61-63).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
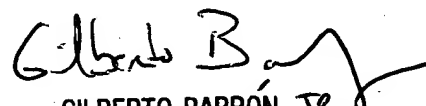
Respectfully submitted,

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